

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

BY _____

STORMEDIA TEXAS, LLC,

Plaintiff,

vs.

COMPUSA, INC., a Delaware corporation;
FUJITSU COMPUTER PRODUCTS OF
AMERICA, INC., a California corporation;
FUJITSU COMPUTER SYSTEMS
CORPORATION, a California corporation;
HITACHI GLOBAL STORAGE
TECHNOLOGIES, INC., a Delaware
corporation; J & R ELECTRONICS, INC., a
New York corporation; SAMSUNG
SEMICONDUCTOR, INC., a California
corporation; SEAGATE TECHNOLOGY, a
Cayman Islands corporation; SEAGATE
TECHNOLOGY LLC; a Delaware limited
liability company; TIGERDIRECT, INC. a
Florida corporation; TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., a
California corporation; and WESTERN
DIGITAL TECHNOLOGIES, INC., a
Delaware corporation,

Defendants.

CASE NO.

2-07 CV-025 TQW

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

StorMedia Texas, LLC ("StorMedia Texas") sues Defendants CompUSA, Inc., Fujitsu Computer Products of America, Inc., Fujitsu Computer Systems Corporation, Hitachi Global Storage Technologies, Inc., J & R Electronics, Inc., Samsung Semiconductor, Inc., Seagate Technology, Seagate Technology, LLC, TigerDirect, Inc., Toshiba America Information

Systems, Inc., and Western Digital Technologies, Inc , (collectively “Defendants”) and, on information and belief, alleges as follows:

Introduction

1. Plaintiff StorMedia Texas owns the invention described and claimed in United States Patent No 6,805,891 entitled “Recording media having protective overcoats of highly tetrahedral amorphous carbon and methods for their production” (the “‘891 patent”). Defendants (a) have used, and continue to use, Plaintiff’s patented technology in products that they make, use, import, sell, and offer to sell, without Plaintiff’s permission; and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the ‘891 patent. Plaintiff StorMedia Texas seeks damages for patent infringement and an injunction preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, the technology claimed by the ‘891 patent without Plaintiff’s permission.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, *et seq.* The Court has original jurisdiction over this patent infringement action under 28 U.S.C. § 1338(a)

3. Within this judicial district each of the Defendants has committed acts and continues to commit acts that give rise to this action, including making sales of infringing products and offering infringing products for sale. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

Plaintiff StorMedia Texas

4. Plaintiff StorMedia Texas, LLC is a limited liability company existing under, and by virtue of, the laws of the State of Texas.

Defendants

5. Defendant CompUSA, Inc. ("CompUSA") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Dallas, Texas.

6. Defendant Fujitsu Computer Products of America, Inc. ("Fujitsu Computer Products") is a corporation organized and existing under the laws of the State of California, with its principal place of business in Sunnyvale, California. Fujitsu Computer Products is registered to do business as a foreign for-profit corporation in the state of Texas. Fujitsu Computer Product's foreign corporation registration lists CT Corporation System as its registered agent for service of process.

7. Defendant Fujitsu Computer Systems Corporation ("Fujitsu Computer Systems") is a corporation organized and existing under the laws of the State of California, with its principal place of business in Sunnyvale, California. Fujitsu Computer Systems is registered to do business as a foreign for-profit corporation in the state of Texas. Fujitsu Computer System's foreign corporation registration lists Corporation Service Company DBA CSC-Lawyers Incorporating Service Company as its registered agent for service of process.

8. Defendant Hitachi Global Storage Technologies, Inc. ("Hitachi") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in San Jose, California. Hitachi is registered to do business as a foreign for-profit corporation in the state of Texas. Hitachi's foreign corporation registration lists CT Corporation System as its registered agent for service of process.

9. Defendant J & R Electronics, Inc ("J & R Electronics") is a corporation organized and existing under the laws of the State of New York, with its principle place of business in New York, New York.

10 Defendant Samsung Semiconductor, Inc. ("Samsung") is a corporation organized and existing under the laws of the State of California, with its principal place of business in San Jose, California. Samsung is registered to do business as a foreign corporation in the state of Texas. Samsung's foreign corporation registration lists National Registered Agents, Inc. as its registered agent for service of process.

11 Defendant Seagate Technology ("Seagate Technology") is a corporation organized and existing under the laws of the Cayman Islands, with its principal place of business in George Town, Grand Cayman, Cayman Islands.

12 Defendant Seagate Technology, LLC ("Seagate LLC") is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business in Scotts Valley, California. Seagate LLC is registered to do business as a foreign limited liability company in the state of Texas. Seagate LLC's foreign corporation registration lists CT Corporation System as its registered agent for service of process.

13 Defendant TigerDirect, Inc. ("TigerDirect") is a corporation organized and existing under the laws of the State of Florida, with its principle place of business in Miami, Florida.

14 Defendant Toshiba America Information Systems, Inc. ("Toshiba") is a corporation organized and existing under the laws of the State of California, with its principal place of business in Irvine, California. Toshiba is registered to do business as a foreign for-profit corporation in the state of Texas. Toshiba's foreign corporation registration lists CT Corporation System as its registered agent for service of process.

15 Defendant Western Digital Technologies, Inc. ("Western Digital") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Lake Forest, California. Western Digital is registered to do business as a foreign for-profit corporation in the state of Texas. Western Digital's foreign corporation registration lists National Registered Agents, Inc. as its registered agent for service of process.

First Claim for Patent Infringement
(infringement of the '891 patent)

16. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 15 above and further alleges as follows:

17. The United States Patent and Trademark Office issued the '891 patent on October 19, 2004. Attached as Exhibit A is what is believed to be a copy of the text of the '891 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the '891 patent, including all rights to pursue and collect damages for past infringements of the patent

18. Defendants have infringed, contributed to the infringement, and induced others to infringe the '891 patent and, unless enjoined, will continue to do so, by manufacturing, importing, using, selling, or offering for sale products, in particular hard disk drives, that infringe the claims of the '891 patent and by contributing to or inducing others to infringe the claims of the '891 patent without a license or permission from Plaintiff.

19. Plaintiff has been damaged by Defendants' infringement of the '891 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '891 patent.

20. The Defendants are and have been willfully infringing one or more claims of the '891 patent.

21. Plaintiff is entitled to recover damages from the Defendants to compensate for the infringement.

22. Plaintiff demands trial by jury of all issues relating to this claim

WHEREFORE, Plaintiff prays for judgment as follows:

A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the '891 patent;

B. Compensatory damages for Defendants' infringement of the '891 patent;

C. Treble the compensatory damages as consequence of Defendants' willful infringement;

D. Costs of suit and attorneys' fees on the basis that this patent infringement case is exceptional;

E. Pre-judgment interest; and

F. For such other relief as justice requires.

Dated: January 22, 2006

Respectfully submitted,

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